

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MIKE BRUNZ,**

**Plaintiff,**

**vs.**

**CITY OF MITCHELL and  
LARRY BARE,**

**Defendants.**

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**7:06CV5003**

**ORDER**

This matter is before the court on defendants' Motion to Stay Discovery [15] pending the district court's ruling on their Motion for Summary Judgment based on qualified immunity. On July 10, 2006, during the parties' status conference, plaintiff's counsel indicated the motion would be contested; however, plaintiff has not filed any written response in opposition to the motion.

Unless the complaint states a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery. *See Mitchell v. Forsyth*, 472 U.S. 511 (1985). Upon review of the file, I find that the motion should be granted, without prejudice to plaintiff filing, if necessary, a motion for leave to conduct limited discovery on the issue of qualified immunity.

**IT IS SO ORDERED.**

**DATED July 27, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**